

Notice of Allowability

Application No.

10/805,759

Examiner

Leo Boutsikaris

Applicant(s)

GETTENS, NANCY J.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 3/2/05.
2. ☒ The allowed claim(s) is/are 7-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Drawings

Corrected drawings were received on 3/2/2005. These drawings are 5-6. The corrections are approved by the Examiner.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gaetano Maccarone (Reg. No. 25,173) on 10/27/2005.

The application has been amended as follows:

IN THE SPECIFICATION

In p. 14, line 3, "Fig. 7" is replaced by --Fig. 6--.

IN THE CLAIMS

In claim 7, line 11, "first" is replaced by --second--.

The following is an examiner's statement of reasons for allowance:

Claims 7-15 are allowable over the prior art of record for at least the reason that even though the prior art discloses a plastic lens having a convex and a concave side, the lens either

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exclusively comprising uniformly thick polymeric layers or the lens having a total non-uniform thickness, the prior art fails to teach or reasonably suggest a shaped plastic lens convex on one side and concave on the other side and without any optical power, and having a first and a second uniformly thick thermoplastic layers and a third layer having maximum thickness in the central region thereof and diminishing gradually in thickness radially toward the periphery thereof, as set forth by the claimed combination.

Nakagoshi (US 6,650,473, Fig. 1), Dalzell (US 5,571,481, Fig. 9), and Ceppi (US 3,560,076, Fig. 8) all disclose a plastic concave-convex lens comprising uniformly thick thermoplastic layers. Dalzell (US 5,434,707, Fig. 8, lines 27-27, col. 8, 14-24, col. 10) discloses a plastic lens comprising a plurality of thermoplastic layers, the lens shaped so that it is thicker in the middle and less thick in the periphery. However, in the above lens, all layers are deformed together so that they are thicker in the middle, not just the outer layer (as it is the case in the claimed invention). It is the *in situ* polymerization of a polymerizable composition during the heating and pressing of the platens together with the lens blank between them that results in just the outer layer being non-uniformly thick.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Leo Boutsikaris whose telephone number is 571-272-2308.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo Boutsikaris, Ph.D., J.D.
Primary Patent Examiner, AU 2872
October 28, 2005



LEONIDAS BOUTSIKARIS
PRIMARY EXAMINER